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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/620,771	07/21/2000	Gregory Lucius Meredith	MS149613.2	3989

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EXAMINER


VAN DOREN, BETH

ART UNIT PAPER NUMBER

3623

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/620,771	Applicant(s) MEREDITH ET AL.	
	Examiner Beth Van Doren	Art Unit 3623	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See attached sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-52.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Advisory Action

1. The following Advisory Action is in response to the request for reconsideration filed on 06/11/2004.
2. Applicant's arguments with regards to the rejections based on Srinivasan (U.S. 5,548,506) have been fully considered, but they are not persuasive. Applicant has argued that Srinivasan fails to teach a latency attribute, as disclosed in the specification as an expected or estimated time that a corresponding action will take to complete, and comparing this latency attribute with a latency threshold.

In response to Applicant's argument, Examiner respectfully disagrees. Claim 1 discloses "a method of processing an action within a schedule and having a latency attribute associated therewith, comprising: initiating the action, comparing the latency attribute with a latency threshold, and selectively storing data associated with a schedule in a storage medium based on the latency comparison". While the Applicant may be his or her own lexicographer and assign meaning to a term based on the disclosure in the specification, the Applicant cannot use the specification to impart limitations on a claim. Examiner points out that there is no recitation in the body of the claim that links the action and the latency attribute/latency threshold comparison in the body of the claim. Even if the preamble of the claim was treated as a limitation of the claim, the preamble does not sufficiently link the action and latency attribute (the preamble states "processing an action within a schedule and having a latency attribute associated therewith", so the latency attribute would just be associated with the schedule).

Srinivasan does disclose the latency attribute of the claimed invention. Srinivasan first discloses a task with a start time and end time (action). The task is initiated by

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beginning and being completed. Srinivasan also discloses a time attribute of a task is compared with a threshold associated with the task to determine the status of the task and if reminders should be sent. Based on this comparison, data is stored associated with the schedule of the project, including updates, in the database. See at least column 3, lines 5-18, column 5, lines 45-58, column 6, lines 3-15, column 7, lines 15-21 and 55-61. While the attribute indicates that a task is not completed, reminders are sent at predetermined times (thresholds) to both remind users of the existence of the task and gather information about the task. These updates and data are stored in a database of the system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (703) 305-3882. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

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July 14, 2004


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600